

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HI-LEX CONTROLS INCORPORATED,  
HI-LEX AMERICA, INCORPORATED and  
HI-LEX CORPORATION HEALTH AND  
WELFARE PLAN,

Plaintiffs,

Case No: 11-12557  
Hon. Victoria A Roberts

v.

BLUE CROSS AND BLUE SHIELD OF  
MICHIGAN,

Defendant.

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**AMENDED ORDER GRANTING IN PART AND DENYING IN PART  
DEFENDANT'S MOTION FOR STAY OF PROCEEDINGS REGARDING  
CALCULATION OF PRE-JUDGMENT INTEREST AND COLLATERAL  
PROCEEDINGS REGARDING ATTORNEYS' FEES PENDING APPEAL (DOC. 248)**

This case is one of several concerning Disputed Fees which Defendant allocated to itself as third-party administrator for employee health benefit plans.

After a bench trial on May 23, 2013, the Court entered Corrected Findings of Fact and Conclusions of Law and judgment in favor of Plaintiffs, finding Defendant liable for violations of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1001 *et seq*, and awarding Plaintiffs \$5,111,431 in damages. Defendant appealed to the Sixth Circuit on June 6, 2013.

Defendant asks the Court to stay proceedings regarding calculation of pre-judgment interest and attorney's fees pending appeal.

The Court **GRANTS IN PART** and **DENIES IN PART** Defendant's motion.

The Court exercises its discretion to promote judicial economy, *see Landis v. North American. Co.*, 299 U.S. 248, 254 (1936), and stays proceedings regarding Plaintiffs' request for attorneys' fees pending disposition of the appeal; the Sixth Circuit's decision will affect the merits of Plaintiffs' request.

Defendant's motion is denied regarding pre-judgment interest; this issue is moot in light of the Court's Amended Judgment to include a pre-judgment interest award on July 29, 2013.

**IT IS ORDERED.**

S/Victoria A. Roberts  
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Victoria A. Roberts  
United States District Judge

Dated: July 29, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 29, 2013.

S/Carol A. Pinegar  
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Deputy Clerk